

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANGEL MEDEL LORENZO,)
)
Petitioner,)
) 1:15CV608
v.) 1:12CR279-1
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

On August 4, 2015, the United States Magistrate Judge's Recommendation was filed and on August 18, 2015, notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 165, 167.) Petitioner filed a document styled "Order Granting Motion to Dismiss for Lack of Subject Matter Jurisdiction (Fed. R. Civil P. 12(b)(1)" which the court construed as objections (Doc. 169) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Petitioner's document entitled "Motion to Dismiss Indictment Conviction and Sentence for of Exclusive Legislation and Subject Matter Jurisdiction Pursuant

to Rule 12(b) (1) Federal Rules of Civil Procedures" [sic] (Doc. 161) is construed as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, and that this action be, and is hereby, dismissed without prejudice to Petitioner promptly filing a corrected motion on the proper § 2255 forms, correcting the defects set out in the Order and Recommendation.

This the 19th day of October, 2015.

William L. Osten, Jr.

United States District Judge